

AMENDED IN SENATE APRIL 30, 2013
AMENDED IN SENATE MARCH 21, 2013

SENATE BILL

No. 50

Introduced by Senator Lieu

December 19, 2012

An act to amend, repeal, and add Sections 741 and 742 of the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

SB 50, as amended, Lieu. Telecommunications: pay telephones.

(1) Existing law requires an owner or operator of a coin-activated telephone for public use, which is not a telephone corporation and which provides operator-assisted services by other than a telephone corporation tariffed to provide those services, to post on or near the telephone equipment certain information, as prescribed.

Commencing January 1, 2015, this bill would apply this provision to a telephone available for public use that accepts any form of payment, and would require the owners or operators of these telephones to post additional information and to comply with additional specified requirements.

(2) Existing law requires the Public Utilities Commission to adopt and enforce operating requirements, as prescribed, for coin-activated and credit card-activated telephones available for public use owned or operated by corporations or persons other than telephone corporations.

Commencing January 1, 2015, this bill would apply this provision to telephones available for public use that accept any form of payment.

(3) Because the provisions of this bill would be a part of the Public Utilities Act and because a violation of an order or decision of the Public Utilities Commission implementing its requirements would be a crime,

the bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 741 of the Public Utilities Code is
2 amended to read:

3 741. (a) Every owner or operator of coin-activated telephones
4 available for public use, other than a telephone corporation, which,
5 as part of the service furnished, provides operator-assisted services
6 by other than a telephone corporation having tariff schedules on
7 file with the commission providing for the furnishing of
8 operator-assisted services, shall cause to be posted on or near the
9 telephone equipment so as to be easily seen by telephone customers
10 all of the following information:

11 (1) The name of the provider of operator-assisted services and
12 a toll-free telephone number for contacting that provider.

13 (2) The applicable charges for each available operator-assisted
14 service.

15 (3) That the provider of operator-assisted services will respond
16 to inquiries concerning the terms and conditions of any available
17 service.

18 (b) This section shall remain in effect only until January 1, 2015,
19 and as of that date is repealed, unless a later enacted statute, that
20 is enacted before January 1, 2015, deletes or extends that date.

21 SEC. 2. Section 741 is added to the Public Utilities Code, to
22 read:

23 741. (a) Every owner or operator of telephones *available* for
24 public use, other than a telephone corporation, that accept any
25 form of payment which, as part of the service furnished, provides
26 operator-assisted services by other than a telephone corporation
27 having tariff schedules on file with the commission providing for
28 the furnishing of operator-assisted services, shall cause to be posted

1 on or near the telephone equipment so as to be easily seen by
2 telephone customers all of the following information:

3 (1) The name of the provider of operator-assisted services and
4 a toll-free telephone number for contacting that provider.

5 (2) The applicable charges for each available operator-assisted
6 service.

7 (3) That the provider of operator-assisted services will respond
8 to inquiries concerning the terms and conditions of any available
9 service.

10 (4) That surcharges may apply to operator-assisted and
11 calling-card calls.

12 (5) That card-activated calls, calls activated by any other
13 payment device, or calls that may be charged to a card by giving
14 a card number to an operator may cost more than coin-activated
15 calls.

16 (6) The local rates for nonoperator-assisted calls.

17 (b) Every owner or operator of telephones available for public
18 use, other than a telephone corporation, ~~use~~ that accept any form
19 of payment which, as part of service furnished, provides
20 operator-assisted services by other than a telephone corporation
21 having tariff schedules on file with the commission providing for
22 the furnishing of operator-assisted services shall:

23 (1) Identify itself, audibly and distinctly, to the consumer at the
24 beginning of each telephone call and before the consumer incurs
25 any charge for the call.

26 (2) Permit the consumer to terminate the telephone call before
27 the call is connected.

28 (3) At no charge, disclose to the consumer, immediately after
29 the number to be called is entered or given to an operator, a
30 quotation of its complete rates and charges for the call.

31 (c) This section shall become operative on January 1, 2015.

32 SEC. 3. Section 742 of the Public Utilities Code is amended
33 to read:

34 742. (a) The commission shall, by rule or order, adopt and
35 enforce operating requirements for coin-activated and credit
36 card-activated telephones available for public use owned or
37 operated by corporations or persons other than telephone
38 corporations. These requirements shall include, but are not limited
39 to, all of the following:

1 (1) A requirement that the telephone corporation furnishing
2 service to the corporation or person owning or operating a
3 coin-activated or credit card-activated telephone terminate service
4 for any violation of the commission's rules or orders or of this
5 section, upon a determination by the commission that the violation
6 was a significant or repeated violation. Any determination by the
7 commission leading to a termination of service shall be made in
8 accordance with commission rules or orders adopted pursuant to
9 this subdivision.

10 (2) A requirement that every telephone permit a caller to be
11 connected with the operator personnel of any telephone corporation
12 authorized by the commission to operate within a service area by
13 dialing the numeral "0" and with the emergency services
14 switchboard reached by dialing the numerals "911" without
15 insertion of any coin.

16 (3) A requirement that every telephone contain instructions for
17 both local and long distance dialing, the name of the owner or
18 operator of the telephone, and the telephone number of that owner
19 or operator to which complaints can be made.

20 (4) A requirement that every telephone display its telephone
21 number or other identification number, as determined by the
22 commission, and the address at which the telephone is located, on
23 the telephone in a place where that information may be seen by a
24 person using the telephone.

25 (b) The commission shall require every telephone corporation
26 that publishes a directory of subscribers to include in that directory
27 information comprising the substance of this section and the rules
28 and orders of the commission adopted pursuant to this section.

29 (c) This section shall remain in effect only until January 1, 2015,
30 and as of that date is repealed, unless a later enacted statute, that
31 is enacted before January 1, 2015, deletes or extends that date.

32 SEC. 4. Section 742 is added to the Public Utilities Code, to
33 read:

34 742. (a) The commission shall, by rule or order, adopt and
35 enforce operating requirements for telephones available for public
36 use that accept any form of payment and that are owned or operated
37 by corporations or persons other than telephone corporations. These
38 requirements shall include, but are not limited to, all of the
39 following:

1 (1) A requirement that the telephone corporation furnishing
2 service to the corporation or person owning or operating a
3 telephone that accepts any form of payment terminate service for
4 any violation of the commission's rules or orders or of this section,
5 upon a determination by the commission that the violation was a
6 significant or repeated violation. Any determination by the
7 commission leading to a termination of service shall be made in
8 accordance with commission rules or orders adopted pursuant to
9 this subdivision.

10 (2) A requirement that every telephone permit a caller to be
11 connected with the operator personnel of any telephone corporation
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15 insertion of any coin or without any other form of payment.

16 (3) A requirement that every telephone contain instructions for
17 both local and long distance dialing, the name of the owner or
18 operator of the telephone, and the telephone number of that owner
19 or operator to which complaints can be made.

20 (4) A requirement that every telephone display its telephone
21 number or other identification number, as determined by the
22 commission, and the address at which the telephone is located, on
23 the telephone in a place where that information may be seen by a
24 person using the telephone.

25 (b) The commission shall require every telephone corporation
26 ~~which~~ *that* publishes a directory of subscribers to include in that
27 directory information comprising the substance of this section and
28 the rules and orders of the commission adopted pursuant to this
29 section.

30 (c) This section shall become operative on January 1, 2015.

31 SEC. 5. No reimbursement is required by this act pursuant to
32 Section 6 of Article XIII B of the California Constitution because
33 the only costs that may be incurred by a local agency or school
34 district will be incurred because this act creates a new crime or
35 infraction, eliminates a crime or infraction, or changes the penalty
36 for a crime or infraction, within the meaning of Section 17556 of
37 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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